

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMES LINLOR,

Plaintiff,

v.

NEVADA SECRETARY OF STATE,

Defendant.

Case No. 3:20-CV-0165-MMD-CLB

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

This Report and Recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice IB 1-4. For the reason set forth below, it is recommended that plaintiff's case be dismissed.

On March 16, 2020, plaintiff submitted a petition for leave of court to file a petition for injunctive relief (ECF No. 1-1) together with a letter requesting that the Clerk file the petition despite plaintiff being deemed a vexatious litigant in California (ECF No. 1-2). Plaintiff failed to pay the filing fee or submit an application to proceed *in forma pauperis* with his petition (ECF No. 1). Plaintiff was ordered to either pay the filing fee or file an application to proceed *in forma pauperis* with the Clerk on or before October 9, 2020 (ECF No. 3). Plaintiff has failed to do so.

The undersigned magistrate judge recommends that this action be dismissed without prejudice for failure to pay the filing fee or file an application to proceed *in forma paueris*.

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2 The parties are advised:


3 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of
4 Practice, the parties may file specific written objections to this report and recommendation
5 within fourteen days of receipt. These objections should be entitled "Objections to
6 Magistrate Judge's Report and Recommendation" and should be accompanied by points
7 and authorities for consideration by the District Court.
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9 2. This report and recommendation is not an appealable order and any notice
10 of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District
11 Court's judgment.
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13 **RECOMMENDATION**

14 For the reasons stated above, the undersigned Magistrate Judge recommends that
15 the District Court enter an order **DISMISSING** this action without prejudice.

16 DATED: October 16, 2020.

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20 UNITED STATES MAGISTRATE JUDGE
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